

Appl. No. 10/663,941
Amdt. dated September 26, 2006
Reply to the Advisory Action of June 22, 2006

AMENDMENTS TO THE DRAWINGS

In compliance with 37 CFR 1.84(p)(4), Applicant has corrected the reference character "40" in Figure 2 by changing it to "42". A replacement sheet is submitted with this amendment, and the corresponding specification has also been amended.

REMARKS

This amendment is accompanied by a Request for Continued Examination (RCE), in view of the Examiner's statement in the Advisory Action (of June 22, 2006) that the after-final amendment to the claims (submitted by Applicant on June 5, 2006) presented limitations of a scope not previously considered. Applicant respectfully requests that the after-final amendment filed on June 5, 2006 not be entered by the Office, in favor of the entry of the amendment filed herein with this RCE.

The foregoing amendment is responsive to the objections and rejections raised in the Office Action of April 5, 2006, as well as to the Advisory Action of June 22, 2006.

Claims 1-8 are currently pending, claims 9-22 having been canceled without prejudice by the foregoing amendment to facilitate prosecution of the subject application.

Drawing Objections

In compliance with 37 CFR 1.84(p)(4), Applicant has corrected the reference character "40" in Figure 2 by changing it to "42".

Rejection of claims 1, 3-5, and 7 under 35 U.S.C. §102(b)

Claims 1, 3-5, and 7 stand under 35 U.S.C. §102(b) as being anticipated by Martinez et al., U.S. Patent No. 4,828,004, (hereinafter "Martinez"). More particularly, the Examiner has asserted that Martinez teaches a garage door comprising sections that each have a panel and a panel overlay affixed thereto. For the following reasons, Applicant respectfully requests reconsideration of this rejection.

Applicant's invention is a roll-up door consisting of vertically aligned (*i.e.*, one on top of the other) panel assemblies, each of which consist of a panel 73 and a panel overlay 77 (paragraph 0023). The panel serves as a support for attachment of a preshaped panel overlay, which may be affixed to the panel by a number of different means (paragraph 0028). As shown in Figure 3 (a horizontal cross-section of a panel assembly) and in Figure 4 (a vertical cross-section of a plurality

of panel assemblies), a panel overlay completely covers an associated panel.

Martinez discloses a garage door configuration that also consists of vertically aligned panels. However, the panels of Martinez are composite units. More particularly, Martinez discloses that:

In the manufacture of the panel, particles or chips of wood, phenolic type resins, and a fiber overlay are integrally fused by a special process into a composite unit. This panel is preformed with the design therein.” (Col. 2, lines 45 to 48, emphases added.)

In sharp contrast, Applicant’s invention utilizes a “panel assembly” approach to affix a design to the outside surface of the garage door (*see* amended Claim 1.) Such an approach allows the same door hardware to be used with any number of sets of panel overlays, thereby drastically reducing manufacturing costs and allowing replacement of the panel overlays as desired to change the door design.

As amended herein, all claims now depend on amended Claim 1. It is Applicant’s position that Martinez no longer anticipates Claim 1 as amended herein, and therefore cannot anticipate dependent claims 3 to 5 for the reasons just discussed. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 and 3 to 5 as amended

Rejection of claims 2, 6, and 8 under 35 U.S.C. §103(b)

Claim 2 stands rejected under 35 U.S.C. §103(b) as being obvious over Martinez in view of U.S. Patent No. 6,586,085 (hereinafter “Jella”). However, this combination of references cannot render claim 2 as amended obvious, because, as set forth above, Martinez fails to teach every limitation claimed in the subject application as amended, and the distinguished limitations are not disclosed by Jella.

More particularly, although Jella’ invention discloses panel overlays having sloped gap 80, 84 (4/5/06 Office Action, paragraph 3, lines 3-4), Applicant respectfully submits that this teaching is not equivalent to the gap teaching set forth in claim 2 of the subject application. Jella’s invention discloses a plurality panels 68 (see Fig. 2) that are joined together by tongue and groove joints 70 (see Fig. 3; also see col. 5, lines 47-51), and thus cannot meet the “one-piece contoured panel

overlay” limitations recited in claim 1 of the subject application, or claims 2-8 of same, all of which depend from claim 1. (Emphasis added.) In addition, the aforementioned tongue-and-groove teaching by Jella is utilized solely for aesthetic purposes, that is, for the purpose of rendering a non-uniformly planar profile in panels 68. By contrast, as set forth in claim 1 (and thus claim 2, which depends from claim 1), each of the separate, one-piece contoured overlay panels taught by the subject invention *completely* cover the outer surface of its associated panel, and any aesthetic effect produced by the contouring of these one-piece (i.e., unitary) overlay panels is achieved on the face of each overlay panel, not at the additional expense and unnecessary complexity occasioned by tongue-and-groove joinery, which necessarily entails disparate processing of the upper and lower edges of the panels taught by Jella.

Moreover, each of the separate, one-piece contoured overlay panels taught by the subject invention, as set forth above in claim 2 as amended, has an upper face and a lower face that form parallel faces when the upper and lower faces of vertically adjacent panel overlays are spaced to define a gap. The aforementioned tongue-and-groove teaching by Jella is not equivalent to this gap teaching by the subject application, because *neither* the tongue portion *nor* the groove portion of panels 68 taught by Jella can reasonably be viewed as defining a parallel face as defined in the subject application. Accordingly, Jella *teaches away* from the separate, one-piece contoured panel overlay aligned vertically adjacent to one another to form gaps, the gaps being defined by the upper and lower edges of adjacent panel overlays, teachings of the subject invention. Only *either* an upper *or* a lower face, but not both, of a given panel 68 taught by Jella can form a parallel face with respect to an adjacent vertically aligned panel taught therein, because the opposite end (whether upper or lower—i.e., tongue or groove) cannot be viewed as forming a parallel face to either of surfaces 80 & 84 depicted in Fig. 3 of Jella. In other words, the separate panels 68 taught by Jella have only one sloped (read: angled or beveled) edge, the other edge (be it upper or lower) being either tongued or grooved.

Claims 6 and 8 stand rejected under 35 U.S.C. §103(b) as being obvious over Martinez in view of U.S. Patent No. 4,550,540 (hereinafter “Thorn”). However, this combination of references cannot render claims 6 and 8 as amended obvious, because, as set forth above, Martinez fails to teach every limitation claimed in the subject application as amended, and the distinguished

limitations are not taught by Thorn.

Regarding Thorn, this patent discloses a door consisting of a single unit, not a door comprised of a plurality of panel assemblies. As such the combination of Martinez and Thorn cannot render the claims obvious, because this combination of references still fails to teach or suggest every element of the claims of the subject application, and cannot therefore render the subject invention obvious.

SUMMARY

It is submitted that the foregoing amendments and remarks deal with all outstanding grounds of objection and rejection, and that all claims remaining in this application are now in condition for allowance.

Early notice to this effect is earnestly solicited. If there are any outstanding objections which could be dealt with by means of a telephone interview, the Examiner is encouraged to contact the undersigned representative at (619) 230-7714 or at ccurtis@gordonrees.com.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1990 and please credit any excess fees to such deposit account.

Respectfully submitted,

Dated: September 26, 2006

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